

LEGAL NOTICE
and
Preliminary Determination for an Air Quality Permit for

Agave Energy Company

Agave Energy Company, 105 South Fourth St, Artesia, NM has submitted an air quality permit application to the Air Quality Bureau (aqb), New Mexico Environment Department (NMED) for an air quality permit to modify Penasco Compressor Station. The application file has been assigned Permit No. 0779-M3 and TEMPO Agency Interest ID No. 262. The exact location of the facility is at latitude 32 degrees, 42 minutes, 43.2316 seconds and longitude -104 degrees, 26 minutes, 35.1172 seconds. To aid in locating this facility, the approximate location is 9 miles SSW of Artesia in Eddy County, New Mexico.

The proposed modification will consist of adding two compressor engines (Units C-24, C-25), permanently retiring two compressor engines (Units 002 and 005), process changes to the condensate tanks to reduce emissions, and adding Startup, Shutdown, and Maintenance; and Malfunction emissions to the permit.

Total air pollutant emissions to the atmosphere are estimated to be approximately Nitrogen Oxides (NO_x) at 96.6 tons per year (tpy); Carbon Monoxide (CO) at 94.2 tpy; Volatile Organic Compounds (VOC) at 39.9 tpy; Sulfur Dioxide (SO₂) at 6.0 tpy; Total Suspended Particulate Matter (TSP) at 1.2 tpy, Particulate Matter 10 microns or less (PM₁₀) at 1.2 tpy, and Particulate Matter 2.5 microns or less (PM_{2.5}) at 1.2 tpy. The facility is minor, < 100,000 tpy CO₂e, source of green house gas emissions. These emission estimates could change slightly during the course of the Department's review of the application.

The NMED has conducted a preliminary review of the information submitted with the permit application. The preliminary review and applicant's analysis of ambient air quality impacts indicates that the facility's air emissions will meet the air quality standards for NO_x, CO, SO₂, and H₂S. A full review will evaluate the estimated emission rates for the pollutants listed in this public notice and determine compliance with ambient air quality requirements and standards.

Based on the applicant's analysis, a preliminary determination is that this facility will comply with the requirements of Title 20, New Mexico Administrative Code (NMAC), Chapter 2, Parts 3, 61, 72, 73, 75 and 82; 40 CFR 50; 40 CFR 63 Subparts A and ZZZZ; and the New Mexico Air Quality Control Act. Therefore, the preliminary intent of NMED is to issue the air quality permit on or before June 18, 2014. This source is a PSD minor source according to 20.2.74 NMAC.

To ensure compliance with state and federal air regulations, the permit is expected to include conditions that limit the emissions, and conditions that will require record keeping and reporting to the Department.

The permit application is available for review in electronic or hard copy at the Air Quality Bureau Office, 525 Camino de los Marquez Suite 1, Santa Fe, New Mexico. To arrange viewing of this application contact Teri Waldron, at 505-476-4355 or teri.waldron@state.nm.us. The permit application is also available at the NMED Carlsbad Office, located at 406 North Guadalupe, Suite C, Carlsbad, NM 88220 for public review.

All interested persons have thirty (30) days from the date this notice is published, to notify the Department in writing of their interest in the permit application. The written comments should refer to the company name, facility name and Permit No. (or send a copy of this notice along with your comments). The written comments shall state the nature of the issues raised and how it relates to the requirements of applicable state and federal air quality regulations and the Clean Air Act. The written comments should be mailed to Joseph Kimbrell, New Mexico Environment Dept., Air Quality Bureau, Permit Section, 525 Camino de los Marquez Suite 1, Santa Fe, NM 87505-1816.

The Department will notify all persons, who have provided written comments as to when and where the Department's analysis may be reviewed. Although all written comments will be made part of the public record, any person who does not express interest in writing before the end of this first thirty (30) day period will not receive such notification.

If the Department receives written public comment before the end of the Department's thirty (30) day public notice, the Department's analysis will be made available for review for thirty (30) days at the NMED district or field office nearest to the source before the permit will be issued. Written comments on the analysis or permit application may be submitted to the Department during this second thirty (30) day period or at any time before the permit is issued or denied.

Questions or comments not intended to be part of the public record can be directed to Joseph Kimbrell at 505-476-4347. General information about air quality and the permitting process can be found at the Air Quality Bureau's web site. The regulation dealing with public participation in the permit review process is 20.2.72.206 NMAC. This regulation can be found in the "Permits" section of this web site.